

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

763E0583

HOUSE BILL NO. 1155

Introduced by: Representatives Adelstein and Van Etten and Senators Daugaard, Brown
(Arnold), and McCracken

1 FOR AN ACT ENTITLED, An Act to restrict smoking in public buildings and certain places of
2 business.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-36-2 be amended to read as follows:

5 22-36-2. No person may smoke tobacco or carry any lighted tobacco product in the
6 following places:

- 7 (1) Any hospital or medical or dental clinic;
- 8 (2) Any nursing facility;
- 9 (3) Any public library, museum, indoor theater, or concert hall;
- 10 (4) Any elementary or secondary school building;
- 11 (5) Any public conveyance;
- 12 (6) Any jury room;
- 13 (7) Any elevator;
- 14 (8) Any registered or unregistered day care program, day care center, day care
15 cooperative, or family day care home governed by chapter 26-6 during the time in

1 which children who are not family members of the day care provider are receiving
2 care;

3 (9) Any public building.

4 ~~This section does not prohibit the smoking of tobacco or tobacco products in the places~~
5 ~~named in this section, if the smoking is confined to areas designated as smoking areas~~ For the
6 purposes of this Act, the term, public building, means any physical structure or portion of a
7 physical structure where the public is free to come and go without leave or hindrance for any
8 purpose which may be construed as an adjunct to citizenship.

9 A violation of this section is a petty offense.